

REMARKS

Reconsideration and further examination is respectfully requested.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1, 4 and 6 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended the claim to overcome this ground of rejection by replacing the term 'connection' with 'network.' It is therefore requested that the rejection be withdrawn.

Rejections under 35 U.S.C. §102

Claims 1, 4 and 6 were rejected under 35 U.S.C. §102(e) as being anticipated by Ludwig, U.S. 6,754,228.

Ludwig:

Ludwig describes a method and device for controlling the flow of a data amount from a sender to a receiver in a packet exchange connection. In the Background, Ludwig describes several congestion control mechanisms of TCP/IP, in particular Ludwig describes at column 1 lines 54-57 that, in a connection between a sender and a receiver, 'A TCP sender is not allowed to have more unacknowledged packets outstanding than the amount defined by the advertised window...' where the window 'usually corresponds to the input buffer capacity on the receiver side....'

Ludwig describes, at column 4 line 40 "... the control of data flow in TCP is not only performed in accordance with the above advertised window, but also in accordance with the congestion window. The congestion window is used by a routine called slow start.... When a new connection is established, the congestion window is initialized to one segment of data. Each time that an acknowledgement is received by the sender, the congestion is increased by one segment. The sliding window control explained above ... is performed with either the advertised window or the congestion window, whichever is smaller...The advertised window is determined by the receiver, whereas the congestion window is determined by the sender. Therefore the congestion window is flow control imposed by the sender, while the advertised window is flow control imposed by the receiver..."

Ludwig's flow control mechanism is described at column 6 as 'Flow control in a connection over which an amount of data is to be send directly employs information on the connection, namely one or more bandwidth values associated with the links forming the connection. In this way, flow control can be directly adapted to the situation on the network..."

Ludwig also describes, at column 4, lines 7-10, the problems of congestion. Ludwig states "... Congestion is the effect that occurs when a given link is not large enough (does not have a sufficient transmission capacity) to handle the amount of data to be sent through said link..."

Conclusion:

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully

requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

12/27/2006
Date

_____/Lindsay G. McGuinness/
Lindsay G. McGuinness, Reg. No. 38,549
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664

Docket No. 120-125
Dd: 11/1/2006